

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
BALTIMORE DIVISION

IN RE:

DESRINE SCHOBURGH

Debtor

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CASE No. 17-23134 MMH

* * * * *

DESRINE SCHOBURGH,

Plaintiff

ADVERSARY PROCEEDING No.: 18-00007

vs.

PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, INC.

t/a AMERICAN EDUCATION SERVICES, et al.

Defendants

* * * * *

PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT

Desrine Schoburgh, Plaintiff, by her undersigned attorney and pursuant to Fed. R. Civ. P. 55(a), made applicable by Fed. R. Bankr. P. 7055 moves for the entry of an Order of Default against Defendants Pennsylvania Higher Education Assistance Agency, Incorporated t/a American Education Services (PHEAA), Richland State Bank (Bank), and Education Investment Company, LLC (EdInvest) (collectively, the the PHEAA Defendants) on the grounds that:

1. PHEAA was duly served with the Summons, and Complaint in this Adversary Proceeding on January 10, 2018, pursuant to Fed. R. Bankr. P. 7004(b)(3) and was duly served with the Summons and First Amended Complaint on February 22, 2018, pursuant to Fed. R. Bankr. P. 7004(b)(3). Copies of the Certificates of Service are attached hereto and incorporated herein by reference as, respectively, Exhibits A and B.

2. Bank was duly served with the Summons, and Complaint in this Adversary Proceeding on February 22, 2018, together with a copy of L.B.R. 7001-1, pursuant to Fed. R. Bankr. P. 7004(h). A copy of the Certificate of Service is attached hereto and incorporated herein by reference as Exhibit B. A copy of the certified mail return receipt is attached hereto and incorporated herein by reference as Exhibit C.

3. EdInvest was duly served with the Summons and First Amended Complaint on February 22, 2018, pursuant to Fed. R. Bankr. P. 7004(b)(3). A copy of the Certificate of Service is attached hereto and incorporated herein by reference as Exhibit B.

4. As of the date of this motion, no PHEAA Defendant has filed any responsive pleading to the Complaint.

WHEREFORE, Plaintiff respectfully requests that this Court:

- (a) Enter an Order of Default against PHEAA, Bank, and EdInvest, and
- (b) Grant such other and further relief as the Court deems appropriate.

/s Wendell Finner
Wendell Finner, Florida Bar No. 93882
9407 Harford Road
Baltimore, Maryland 21234
(410) 929-2440
(410) 449-1170 fax
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent by first class mail on April 17, 2018 to:

Pennsylvania Higher Education Assistance Agency, Inc. t/a American Education Services	Navient Solutions, LLC
Serve on: The Corporation Trust Incorporated	c/o Jeffrey L. Friedman, Esquire
351 West Camden Street	100 Owings Court, Suite 4
Baltimore, MD 21201	Reisterstown, MD 21136

Education Investment Company, LLC	Pennie Lutz, President
Serve on: The Corporation Trust Company	RICHLAND STATE BANK
1209 N. Orange St.	P.O. Box 338
Wilmington, DE 19801	Bruce, SD 57220

/s Wendell Finner

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at**

In Re:

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Case No.

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Chapter

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Debtor(s)

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Plaintiff(s)

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vs.

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Adversary Proceeding No.

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Defendant(s)

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CERTIFICATE OF SERVICE OF COMPLAINT AND SUMMONS

I, _____ (name), certify that service of this summons and a copy of the complaint was made _____ (date of service) by:

_____ Mail Service: Regular, first class United States Mail, postage fully prepaid, addressed to:
Pennsylvania Higher Education Assistance Agency, Inc. NAVIENT SOLUTIONS, LLC
t/a American Education Services c/o CSC-Lawyers Incorporating Service Co.
Serve on: The Corporation Trust Incorporated 7 Saint Paul Street, Suite 820
351 West Camden Street Baltimore, MD 21202
Baltimore, MD 21201

_____ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

_____ Residence Service: By leaving the process with the following adult at:

_____ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

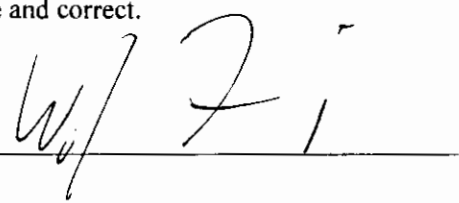
_____ Publication: The defendant was served as follows: (Describe briefly)

_____ State Law: The defendant was served pursuant to the laws of the State of _____ as follows: (Describe briefly)

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date: January 10, 2018

Signature: 

Print Name Wendell Finner

Business Address 9407 Harford Rd

City Baltimore State MD Zip 21234

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Baltimore

In Re: Desrine Schoburgh

Case No. 17-23124 MMH
Chapter 7

Debtor(s)

Desrine Schoburgh

Plaintiff(s)

vs.

Adversary Proceeding No. 18-0007

Pennsylvania Higher Education Assistance Agency, Inc. t/a American Education Services, Inc., Richland State Bank, Education Investment Co., LLC, Richland State Bank, Navient Solutions, LLC

Defendant(s)

CERTIFICATE OF SERVICE OF COMPLAINT AND SUMMONS

I, Wendell Finner (name), certify that service of this summons and a copy of the complaint was made February 22, 2018 (date of service) by:



Mail Service: Regular, first class United States Mail, postage fully prepaid, addressed to:
Pennsylvania Higher Education Assistance Agency, Inc. Education Investment Company, LLC
t/a American Education Services
Serve on: The Corporation Trust Incorporated
351 West Camden Street
Baltimore, MD 21201
1209 N. Orange St.
Wilmington, DE 19801



Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:



Residence Service: By leaving the process with the following adult at:



Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at: Pennie Lutz, President
RICHLAND STATE BANK
P.O. Box 338
Bruce, SD 57220



Publication: The defendant was served as follows: (Describe briefly)



State Law: The defendant was served pursuant to the laws of the State of _____ as follows: (Describe briefly)

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date: April 16, 2018

Signature: 

Print Name Wendell Finner

Business Address 9407 Harford Road

City Baltimore State MD Zip 21234

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RICHLAND STATE BANK

Serve on: Pennie Lutz, President

P.O. Box 338

Bruce. SD 57220



9590 9402 2797 7069 8741 85

2. Article Number (Transfer from service label)

7015 1520 0001 1330 9004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Pennie Lutz

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2-27-18

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

il

il Restricted Delivery

(over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt